

E-Filed on 7/12/07

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**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE COMPANY,

USA CAPITAL REALTY ADVISORS, LLC

**USA CAPITAL DIVERSIFIED TRUST
DEED FUND, LLC.**

**USA CAPITAL FIRST TRUST DEED
FUND LLC**

USA SECURITIES LLC

Debtors.

Affects:

- All Debtors
 - USA Commercial Mortgage Company
 - USA Capital Realty Advisors, LLC
 - USA Capital Diversified Trust Deed Fund, LLC
 - USA Capital First Trust Deed Fund, LLC
 - USA Securities, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR
Case No. BK-S-06-10729-LBR

CHAPTER 11

Jointly Administered Under Case No.
BK-S-06-10725 LBR

**Motion For Order Requiring Magnus
Title Agency To Produce One Or More
Representatives For Examination
Pursuant To Federal Rule Of
Bankruptcy Procedure 2004**

[No hearing required]

Pursuant to Federal Rule of Bankruptcy Procedure 2004, the USACM Liquidating Trust (the “Trust” or “Movant”) moves this Court for an order requiring Magnus Title Agency (“Magnus Title”) to produce one or more representatives, as set forth in the subpoena to be issued under Federal Rule of Bankruptcy Procedure 9016, to appear for examination at the office of Lewis and Roca LLP, 19th Floor, 40 N. Central Avenue, Phoenix, Arizona 85004-4429, on a business day no earlier than 10 business days after the

1 filing of this Motion and no later than August 10, 2007, or at such other mutually
2 agreeable location, date, and time, and continuing from day to day thereafter until
3 completed.

4 This Motion is further explained in the following Memorandum.

5 **Memorandum**

6 The Trust seeks information concerning escrows opened or handled by Magnus
7 Title on behalf of USACM, the other debtors in the above-captioned cases (together with
8 USACM, the “Debtors”), and the Debtors’ affiliates, subsidiaries, parents, or otherwise
9 related entities. The Trust seeks this information to assist in the collection of the assets
10 and the investigation of the liabilities of the Debtors.

11 The requested discovery from Magnus Title is within the scope of examination
12 permitted under Bankruptcy Rule 2004, which includes:

13 [t]he acts, conduct, or property or . . . the liabilities and financial condition
14 of the debtor, or . . . any matter which may affect the administration of the
15 debtor’s estate, or to the debtor’s right to a discharge. In a . . .
16 reorganization case under chapter 11 of the Code, . . . the examination may
17 also relate to the operation of any business and the desirability of its
continuance, the source of any money or property acquired or to be acquired
by the debtor for purposes of consummating a plan and the consideration
given or offered therefore, and any other matter relevant to the case or to the
formulation of a plan.¹

18 **Conclusion**

19 Accordingly, the Movant requests that this Court enter the form of order submitted
20 with this Motion.

21 Dated: July 12, 2007.

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26 ¹ Fed. R. Bankr. P. 2004(b).

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